



5-11-04

\$ RCE 313 ✓

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application No.	09/666,452
Filing Date	September 21, 2000
First Named Inventor	Kleshinski
Group Art Unit	3731
Examiner Name	Truong, Kevin Thao
Attorney Docket No.	NMT-010CP2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114


- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on _____.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- c. ☒ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☒ Third Supplemental Information Disclosure Statement (IDS) enclosed.
 - i. ☒ Third Supplemental Form PTO-1449
 - ii. ☒ Copies of IDS Citations (A114-A121; B2-B4; C11)
- f. ☐ Other _____

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

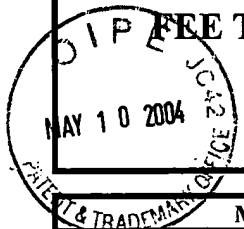
- a. ☒ Small entity status
 - i. ☒ was established in the prior nonprovisional application.
 - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for _____ months up to and including _____ is enclosed herewith.
- c. ☒ A check in the amount of \$ 385.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ _____, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☐ Other _____

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,</p> <p> Ronda P. Moore, D.V.M. Attorney for the Applicant Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p> <p>Date: May 10, 2004 Reg. No. 44,244 Tel. No.: (617) 248-7044 Fax No.: (617) 248-7100</p>

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FREE TRANSMITTAL
FY 2004

Complete if Known

Application Serial Number	09/666,452
Filing Date	September 21, 2000
First Named Inventor	Kleshinski
Group Art Unit	3731
Examiner Name	Truong, Kevin Thao
Attorney Docket No.	NMT-010CP2

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

FEE CALCULATION**1. FILING FEE****Large Entity**

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims	- 20 =	x \$ 18.00 =
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Independent Claims	- 3 =	x \$ 86.00 =
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<input type="checkbox"/> Multiple Dependent Claim(s), if any	\$290.00 =
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TOTAL:
SMALL ENTITY DISCOUNT:
SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total 47	- 47 =	0	x \$ 18.00 =	0.00
Indep. 3	- 3 =	0	x \$ 86.00 =	0.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =	

TOTAL: (\$) 0.00
SMALL ENTITY DISCOUNT: (\$) 0.00
SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)		Request for Continued Examination	385.00
Other fee (Specify)			

SUBTOTAL (3) (\$) 385.00**SUBTOTAL (1)** 0.00**SUBTOTAL (2)** 0.00**SUBTOTAL (3)** 385.00**TOTAL** (\$) 385.00**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: May 10, 2004
 Reg. No.: 44,244
 Tel. No.: (617) 248-7044
 Fax No.: (617) 248-7100

Respectfully submitted,

Ronda P. Moore, D.V.M.
 Ronda P. Moore, D.V.M.
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 Boston, MA 02110